

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

James Smith,

Plaintiff,

v.

Shasta County, et al.,

Defendants.

No. 2:20-cv-01837-KJM-DMC

ORDER


In January 2021, parties stipulated to and jointly requested dismissal of this action. Stipulation, ECF No. 11. The court dismissed the action without prejudice, closing the case. Minute Order, ECF No. 12. Now plaintiff, acting without his counsel, moves to reopen the case. Mot. to Reopen Case, ECF No. 13. Plaintiff alleges he continues to suffer the damages, which were the basis for his original complaint. He also appears to be raising allegations of new damages due to misrepresentations by his counsel. “A dismissal without prejudice terminates the action and concludes the rights of the parties in that particular action.” *United States v. California*, 507 U.S. 746, 756 (1993) (citation and internal quotations omitted). To reopen a case that has been voluntarily dismissed without prejudice under Fed. R. Civ. P. 41(a), it appears the proper course of action is to file a new complaint, not move to reopen the prior action. Therefore, the court **denies** plaintiff’s Motion to Reopen.

This order resolves ECF No. 13.

1 IT IS SO ORDERED.

2 DATED: April 12, 2021.

3



CHIEF UNITED STATES DISTRICT JUDGE